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PATENT  
ATTORNEY DOCKET NO.: 041465-5195

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent Application of:	)	
	)	
Mitsuo YASUCHI	)	Confirmation No.: 3438
	)	
Application No.: 10/648,345	)	Group Art Unit: 2636
	)	
Filed: August 27, 2003	)	Examiner: Lam P. Pham
	)	
For: APPARATUS AND METHOD	)	
FOR ESTIMATING FATIGUE	)	
LEVEL	)	

Commission for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In an Office Action dated July 13, 2005, the period for response to which extends through August 15, 2005 (August 13, 2005 being a Saturday), the Examiner required restriction under 35 U.S.C. § 121 between the claims of Group I (claims 1-9, 11-13, and 15-19), allegedly drawn to a "detection of sharp and transient rise in the heartbeat, classified in class 600, subclass 300" or the claims of Group II (claims 10, 14, and 20), allegedly drawn to a "calculation of peak to peak interval, classified in class 340, subclass 576".

The Examiner went on to assert that if Group I is selected then the generic claims are 1-3, 11, and 15-17; and Applicant must then select one of either Group A (claims 4-6, 12, and 18) allegedly drawn to a "elapsed time measuring, classified in class 600, subclass 509" or the claims of Group B (7-9, 13, and 19), allegedly drawn to a "temporal variance calculating, classified in class 600, subclass 300".

Applicant hereby elects Group I (claims 1-9, 11-13, and 15-19) for examination. Within Group I, Applicant hereby elects Group A (claims 4-6, 12 and 18).

Applicant respectfully requests formal examination of this application.

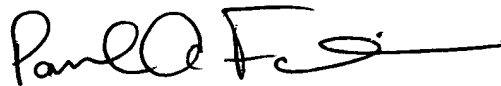
Applicant respectfully asserts that no fee is due in connection with the filing of this response. However, if there are any fees due in connection with the filing of this response, please charge those fees to Deposit Account No. 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: August 11, 2005

By:



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